

1972 WL 25168 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 10, 1972

***1 In Re: Student Bus Drivers, Retirement System Inclusion**

Honorable Tatum Gressette
Director
S. C. Retirement System
1001 Main Street
Columbia, South Carolina 29201

Dear Mr. Gressette:

You have inquired whether or not student bus drivers, employed at the school in which they are students, are eligible for Retirement System membership.

Teachers, as you know, of course, are covered under the Retirement law. Section 61-1(3), 1962 Code of Laws of South Carolina, reads:

'(3) 'Teacher' shall mean any teacher, helping teacher, attendance teacher, librarian, principal, supervisor, superintendent of public schools, superintendent of public instruction, county superintendent of education, person employed in the office of a county superintendent of education, bus driver and any other person employed in the public schools supported by the State, counties and school districts; —.' (Emphasis added.)

In the absence of a statutory provision providing specifically for the exclusion of student bus drivers from the term bus driver, it would appear that the right of such a driver to be included in the System under Sections 61-1, et seq., is clear. I have been unable to find a statutory provision excluding them.

In view of the foregoing, it is the opinion of this Office that the persons about whom you inquire are entitled to membership in the System if not otherwise disqualified. This does not apply to contract drivers.

Yours very truly,

Joseph C. Coleman
Assistant Attorney General

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